



United States  
Department of  
Agriculture

Forest  
Service

Sawtooth National Forest  
Burley – Twin Falls Ranger  
District

3650 South Overland Ave.  
Burley, ID. 83318-3242  
208-678-0430  
Fax: 208-677-4878

File Code: 2810

Date: July 19, 2002

Mr. Michael Pauletto  
22310 NE Hillside Drive  
Vancouver, WA 98682

Interstate Rock Products, Inc.  
Mr. Michael Cates  
1705 W. 100 N.  
Tremonton, UT 84337

m/003/055 \*  
E/003/033

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

**NOTICE OF NONCOMPLIANCE**

Dear Mr. Pauletto and Mr. Cates:

This letter is to document and give you written notice that your operations in the Clarks Basin Area of the Raft River Division, Sawtooth National Forest are in noncompliance of Federal Regulations found in 36 CFR 228, requirements for environmental protection. This letter is based on requirements set forth in the Notice of Noncompliance issued to you on September 23, 2000 and on inspections of the site, the most recent on July 15, 2002.

On July 11, 2000, A Notice of Intent was submitted to the Forest Service proposing exploration drilling. A reclamation bond of \$1,870 was set for this project and was approved on July 27, 2000. An amendment to the Notice of Intent was approved on August 13, 2000. The amendment proposed excavation of a small test pit and 600 feet new access road construction in addition to the exploration drilling. A revised bond in the amount of \$3,100 was set for the project. On September 14, 2000 an inspection was made of this project. The inspector found that a considerable amount of unauthorized disturbance had occurred including the construction of several thousand feet of new haul road and the clearing of approximately 3 acres for a quarry area. A Notice of Noncompliance was issued to you on September 23, 2000. On December 18, 2000 a plan of operations was submitted to this office covering the unauthorized disturbance. On December 20, 2000 this office received confirmation that a reclamation surety bond in the amount of \$20,245 had been posted for the unauthorized disturbance. On March 9, 2001 public scoping was initiated for the proposed plan of operations. On April 9, 2001 Interstate Rock Quarries entered into a Memorandum of Understanding (MOU) with the U.S. Forest Service detailing the preparation of a third party NEPA document for the proposed mining activities. Since the date of the MOU, there has been no further contact with you or your contractors regarding the preparation of the NEPA document or completion of reclamation of the site.

Inspections indicate that the site appears abandoned and that reclamation of the disturbance has not been completed.

Because your plan of operations is not approved nor has reclamation been completed for the unauthorized disturbance, you are in noncompliance with 36 CFR 228.5(a) Subpart A:

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DIVISION OF  
OIL, GAS AND MINING



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"Operations shall be conducted in accordance with an approved plan of operations, except as provided in paragraph (b) of this section and in 228.4 (a), (b), and (e)."

Within 30 days of receipt of this letter you must initiate reclamation of all disturbance created by your activities at Clarks Basin. Prior to the initiation of any reclamation activities you must submit to this office a detailed reclamation plan and a timetable for its execution. It is extremely important that any reclamation activities around the sensitive spring area be coordinated with this office beforehand.

If reclamation does not begin within 30 days of receipt of this notice, we will utilize the reclamation bond to begin reclamation of the disturbance.

This decision is appealable in accordance with Secretary of Agriculture Appeal Regulation 36 CFR 251, Subpart C. A notice of appeal must be filed with the Forest Supervisor, Sawtooth National Forest, 2647 Kimberly Road East, Twin Falls, Idaho, 83301-7976 within 45 days of the date of this decision with a copy simultaneously sent to the District Ranger, Burley/Twin Falls District, Sawtooth National Forest, 3650 South Overland Ave., Burley, Idaho, 83318. The notice of appeal must also include the information described in 36 CFR 251.90(b). There are eight items listed that the appellant must address.

We are willing to meet with you to discuss any concerns or issues related to this decision. Our telephone number is (208) 678-0430.

If you have any questions or comments, please contact Steve Flock, Minerals Management Specialist, at the above address or telephone number.

Sincerely,



SCOTT C. NANNENGA  
Burley/Twin Falls District Ranger

cc. Jeff Gabardi

Lynn Kunzler  
Utah Dept. Oil Gas and Mining